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AUTHOR Neher, William W.
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ABSTRACT

The faculty parliamentarian is becoming more important as concern for proper procedure and due process is growing on college campuses. The role of the parliamentarian is entirely advisory. This person should work closely with the presiding officer, be available to members and committees for consulting, and give opinions only when called upon or to correct serious errors in the proceedings. Typical problems facing parliamentarians are: maintaining objectivity while being full members of the assembly they advise, lack of knowledge of the rules of order on the part of members and presiding officers, their overreliance on the parliamentarian, and the directing of nonparliamentary questions to the parliamentarian. Problems can be overcome by providing the parliamentarian with all necessary documents pertaining to the assembly's business, through consultation between the presiding officer and the parliamentarian before a meeting, by providing consultation to committees and members in preparing reports or motions, and by being prepared to play an educative role for members and officers. (TJ)

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The Role of the University Faculty Parliamentarian

Paper delivered at the Annual Meeting of the Speech Communication Association and Commission on American Parliamentary Practice

November 3, 1978

William W. Neher

Dean of the University College

Associate Professor of Speech

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William W. Neher

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The concern for proper procedure and due process is growing on college campuses today for several reasons. First, the continuing growth of faculty governance through deliberative bodies such as faculty senates or assemblies means more responsibility for faculties and more power. People are more concerned that correct procedures are followed when the consequences are real and important.

Second, the growth of faculty unionism and collective bargaining has made legal procedure more salient on many campuses. Even where unionism is not currently an issue, the possibility motivates administrators and faculty members to note whether their actions follow proper form.

Third, there seems to be a growing sense of litigiousness in the society affecting the faculty, students, and college administrations. Where faculty decisions can affect tenure or advancement, distribution of perquisites, or one's status as a student, for examples, the ever-present possibility of litigation leads one to regard proper rules of order and procedure. One need only observe the so-called consumer movement among students to be aware of this problem. Certainly faculty members, as well, are more likely now than in the past to turn to the courts for redress from university or faculty actions.

For these reasons, college and university faculties are becoming - or should become - more cognizant about proper rules of order in the conducting of their business. It is usual for a member of the faculty, ostensibly with some knowledge of Robert's Rules of Order, to be appointed as parliamentarian for the faculty. It is my purpose to focus on the position

or role, of this person. Much of what follows, of course, is based largely on personal experience of one who has played such a role for the past four years. Very little seems available in the literature dealing with parliamentarians in a university setting. This consideration of the faculty parliamentarian will be divided into two parts: first, concerning the definition of the role of the faculty parliamentarian; and, second, concerning some typical problems or parliamentary issues with which he must deal.

Robert's Rules of Order, Newly Revised, states, "The parliamentarian is a consultant, commonly a professional, who advises the president and other officers, committees, and members on matters of parliamentary procedure," (pp. 387-388). In the case at hand, he is rarely a professional. The duties include, according to Robert's, conferring with the presiding officer prior to meetings to anticipate any problems, giving advice to the chair during the meeting or to other members, when requested to do so, and to call to the attention of the chair--"as inconspicuously as he can"--any errors in procedure during the meeting. The parliamentarian may be called upon to speak to the assembly to explain particularly involved matters of procedure. This should occur only rarely, intones Robert's. The role of the parliamentarian is entirely advisory - the chair may or may not follow his advice and members of the assembly may appeal from decisions made by the chair on the advice of the parliamentarian.

Other manuals of procedure substantially agree with this description of the parliamentarian. Demeter's Manual of Parliamentary Law (Blue Book Edition, Revised, Expanded, and Updated) indicates that the parliamentarian is appointed "primarily to advise the presiding officer on questions of

parliamentary law and procedure, thus helping to safeguard the rights and privileges of all members equally, and to help transact the business of the assembly legally and efficiently" (p. 253). The parliamentarian gives opinion (advice), but the chair makes rulings (decisions). This is a point about which there may be misunderstanding: the parliamentarian does not make rulings but only advises the chair about what rulings to make. Until the chair acts upon the advice of the parliamentarian, no official action has been taken. One cannot appeal from the advice of the parliamentarian, as it is only an opinion. Only decisions announced by the chair can be appealed. Demeter's also points out that the parliamentarian can call attention to "serious" errors in the conduct of business, but this authority enjoins one to bear in mind that the parliamentarian "is essentially an advisor, not a reformer" (p. 254). It is suggested that the parliamentarian use some sort of pre-arranged signal in such case to minimize any embarrassment on the part of the chair.

Sturgis Standard Code of Parliamentary Procedure, Second Edition, further elaborates on the description of the parliamentarian. In addition to advising the president during meetings, this source emphasizes the aid and advice a parliamentarian can provide governing boards, committees, members, and staff outside formal meetings. "He can be of greater assistance if those who need his services consult him in advance as to the best methods for handling problems" (p. 231). The parliamentarian's advice, it is noted, is always given through the chair, although he can explain his ruling to the assembly if so directed by the president. This manual agrees with the others concerning errors of procedure: "He should not offer unsolicited

advice unless a serious error is being made; then he unobtrusively calls the mistake to the attention of the presiding officer" (p.231). The position of the parliamentarian is compared to that of an attorney, offering advice when requested, but aware that the assembly can follow or ignore that advice.

To summarize these citations, the parliamentarian operates in an advisory capacity. He should work closely with the presiding officer, often in planning for a meeting. His expertise is available to members or committees outside formal meetings to advise on drafting motions or reports or the handling of business. He should give opinions only when called upon except to correct serious errors in the procedings. Unlike the ideal case described in the manuals, the faculty parliamentarian is a full member of the assembly, which may at times harm his perceived objectivity (this point is touched on again later in this paper).

Normally, one becomes a parliamentarian to a group by being appointed by the president of the organization. The by-laws may make provision for some other means of selection, but in the absence of such provisions it is assumed that the president may appoint whomever he wishes. The personal case of the writer may be instructive. The political science professor who had held the position for years, retired from the university. The president of the university then requested me to be the parliamentarian--I am not sure on what grounds. One assumes that my background in speech and debate coupled with my use of some parliamentary terms in meetings was thought to be sufficient. I acquired a new copy of Robert's Rules

and began a hasty review. I expect that this experience is not unusual on most campuses when it comes to choosing a parliamentarian. It reflects the belief that parliamentary procedure is really not too important. Obviously, the informal, or even offhand, nature of selecting a parliamentarian contrasts with the description of his role in the manual. And if matters become complicated, it can cause problems for the person so selected.

In practice, the role of the parliamentarian may depend more upon presiding officer and the members than upon the customs of the rules of order. There is the example of a chairman who does not know parliamentary procedure and is not inclined to learn it. In such a case, the chairman does not know when to seek advice nor what questions to ask. The parliamentarian may find himself in the awkward position of embarrassing the chairman or offending members (by failing to correct the chairman). It is not unusual for faculty members to feel that parliamentary procedure is unnecessary or outdated, that it somehow obfuscates issues and prevents the expression of one's true feelings. In this case, the role of the parliamentarian must be educative, trying to persuade others that proper rules of conduct do not impede but do facilitate the efficient flow of debate and business.

The actual role of the faculty parliamentarian may be different from the ideal described in Robert's Rules and elsewhere. The second part of this paper, dealing with typical problems confronting a faculty parliamentarian elucidates this point.

First there arises a problem referred to earlier: the faculty parliamentarian is a full member of the assembly he is advising. He takes part in debates and, from time to time, faculty politics. In this situation, the parliamentarian must take care that his parliamentary opinions, when expressed, are well founded and supportable. While one parliamentary authority (Sturgis, p. 232) recommends against citing book and page number of a manual when giving opinions, in the desire to support the objectivity of one's advice it may be a good idea to refer to one's source of authority. This advice particularly applies when the parliamentary procedure under question is little known or is contrary to popular belief. For example, the methods whereby an action previously taken can be reconsidered or rescinded are usually unclear to members. If the parliamentarian, as a member of the assembly, is perceived as a partisan to such action, it would be wise for him to quote or cite the particular sections of the body's manual of procedure applicable. The parliamentarian should have the manual with him and should try to anticipate possible problems in advance of the meeting.

A second problem (or congeries of problems) can result from a lack of knowledge about the rules of order on the part of members or even the presiding officer. Often there is a tendency for members to make little effort to become familiar with the rules, and, thus, to place the parliamentarian in an awkward position. As alluded to before, an educative function must then be exercised by the parliamentarian. Again, personal experience can illuminate some of the problems and some of the solutions. There seems to be a widespread belief that calling out the word, "Question," requires

the chairman to close the debate ("Mr. President, I called for the question; we must vote.") Informally, perhaps before or after a meeting, the parliamentarian can point out to members that the only lawful way to bring an end to debate (where no time limit has been set) is to "move the previous question," or "move to close debate." Gradually the word can be spread that such calls are without purpose.

Another problem related to ignorance of rules of order is over-reliance on the parliamentarian. Business can become bogged down when every question must be referred to the parliamentarian. A chairman newly installed, unused to presiding, may actually allow a situation in which the parliamentarian presides indirectly through the inexperienced chairman. On the other hand, members may challenge the chairman on each point, requesting him to refer to the parliamentarian. To deal with problems of this type, the parliamentarian should confer with the chairman in advance to go over procedures or motions that can be expected in upcoming meetings. The parliamentarian needs tactfully to make known that he is available for such prior consultation. A chairman who must constantly rely on the parliamentarian will quickly lose the respect of members.

Also related to lack of familiarity with rules of order is the directing of non-parliamentary questions to the parliamentarian. The admitting of non-members to meetings, order of business, or appropriatness of action may be determined by by-laws rather than parliamentary rules of order. One has observed a presiding officer to ask the parliamentarian whether the "ayes" were sufficient to carry a motion. The parliamentarian must tactfully point out that such a question is not an issue for parliamentary opinion. The chair is to announce the vote or to call for a show of hands

or a vote by rising. A member can call for a division if he doubts the result announced by the chair.

Many of the problems can be overcome by good preparation and planning. First, the parliamentarian should be provided with all necessary documents, by-laws, or special rules of procedure of a body that may pertain to the handling of business. By-laws may provide for special voting methods or the like at variance with a standard manual, like Robert's. The parliamentarian needs to be aware of such special cases, in which the by-laws take precedence, assuming they are not in conflict with statutory law.

Second, a good chairman should consult with the parliamentarian, especially if the chairman feels inexperienced or unsure of procedure. A president who did know parliamentary procedure asked the parliamentarian before what was expected to be a heated debate to draw up an explanation for the procedures for handling an appeal from the decision of the chair. There was not an appeal, as it turned out, but the president was well-prepared. In a different case, an inexperienced chairman sought out the parliamentarian's advice prior to a meeting concerning methods for voting for members to a board. In the event, the parliamentarian was called upon to explain the procedures to the assembly, which could be done confidently as he had just looked up the relevant sections in Robert's Rules of Order. Incidently, this particular case also illustrated the problems that can result from unfamiliarity with rules of order. Many members believed that in the case of choosing, say, three members for a board from a list of seven nominees, pluralities could elect. A majority vote is required to elect in the absence of a specific

provision of the by-laws. Also, there was a belief that those getting fewest votes could be dropped from the ballot in subsequent votes to achieve a majority: such a procedure also requires a specific provision in the by-laws.

Consultations can also be helpful for committees, in drafting by-laws or amendments to by-laws, or in preparing to present reports to a meeting. This author has been sought out for advice on preparing and presenting majority and minority reports from committees and on how to present motions in proper form arising from such reports. Members have also sought advice on how to divide a question, and how to consider a lengthy proposal in seriatim. The parliamentarian can also help the secretary in the preparation of minutes. If the secretary is inexperienced, he may want to sit near the secretary, as well as near the chair, so as to advise concerning what needs to be recorded. It is not unusual for a secretary to try to take down everything and, in so trying, miss some important points. The secretary can consult with the parliamentarian when drafting the minutes concerning proper form.

In summary, an active parliamentarian can play an important role in faculty governance. In many cases, he must play an educative role for members and officers. Where he consults freely with committees, the presiding officer, the secretary, and members outside of meetings, he can be most effective in facilitating the conduct of business. Thorough knowledge of the rules of order is essential, but perhaps even more important is tact and skill in communicating that knowledge to others.

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